

**REMARKS**

Claims 8-10 have been rejected under 35 USC 103(a) as unpatentable over Worster (U.S. Patent No. 6,028,840) in view of Yin (U.S. Patent No. 5,982,748). The rejection is respectfully traversed.

The invention discloses a multiple version of the known Sigma Rule Acceptance Algorithm. To this end, classes S and P are subdivided into additional subclasses  $S_1$  to  $S_3$  and  $P_1$  to  $P_3$ . There are different variants of this acceptance algorithm, depending on how the subclass is chosen. For example, a different variant of the Sigma Rule Acceptance Algorithm is applied for subclasses  $S_1$  and  $P_1$  than for subclasses  $S_2$  and  $P_2$ . Thus, the Sigma Rule Acceptance Algorithm starts with a first subclass, such as  $S_1$  and  $P_1$ , when a connection to be accepted is present. If, based on the acceptance criterion, it is determined that this connection cannot be accepted, the system branches off to the next subclass,  $S_2$  and  $P_2$ , where the acceptance algorithm is then run again. If the connection is also not accepted here, the branching process to the next subclass continues until all subclasses have been run through. If, at this point, the connection is still not accepted, the entire connection is rejected.

In the present invention, classes are defined in accordance with the definition on page 4, lines 1-20 (classes S, P) of the American specification. Accordingly, class S is allocated to all virtual connections for which statistical multiplexing according to the Sigma Rule algorithm would produce a significant benefit over other acceptance algorithms, such as the known Peak Cell Rate Reservation Algorithm. These are generally small bit rate connections. All other virtual connections are allocated to class P. These include, for example, connections with a constant bit rate. Therefore, this definition applies to logical classes (and subclasses), which have nothing to do with the service classes according to Yin.

Rather, Yin discloses an acceptance algorithm with which a connection to be accepted is divided into service classes (i.e. class of service). A service class is then permanently allocated to a specific bandwidth. If the service changes, this fixed allocation must also be changed. The core of our invention, however, is the subdivision of traffic classes into additional subclasses and the step-

by-step application of the acceptance algorithm to the connection to be accepted, thereby providing for the optimal utilization of available resources. Neither this subdivision into additional subclasses nor the step-by-step application of the same algorithm is addressed by Yin and Worster (either alone or in combination). In fact, with respect to Worster, the Examiner specifically states that the references "fails to disclose assigning the incoming connection to a first or a second class depending on the result of predetermined analysis."

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122036900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 31, 2003

Respectfully submitted,

By 

Kevin R. Spivak

Registration No.: 43,148

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7762 - Telephone

(703) 760-7777 - Facsimile